

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

G.L.C.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CASE NO. 4:21-CV-79-CDL-MSH
	:	
COMMISSIONER OF SOCIAL	:	
SECURITY,	:	
	:	
Defendant.	:	
_____	:	

ORDER

This matter is before the Court on the parties' Joint Stipulation for Resolution of Petition for EAJA Fees and Plaintiff's previously filed petition for attorney's fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d) (ECF No. 26). The Joint Stipulation indicates that Plaintiff has a net worth of less than Two Million Dollars (\$2,000,000.00). Further, Plaintiff has agreed to withdraw his EAJA fee petition pursuant to the parties' agreement and stipulation for an award under the EAJA. The Court having considered the Joint Stipulation and petition for EAJA fees,

IT IS ORDERED that Plaintiff is awarded attorney fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), in the total amount of \$8,528.10 under the EAJA. No further requests for fees or case expenses under the EAJA shall be filed in this case.

The Commissioner shall determine after entry of this Order whether Plaintiff owes a debt to the government that is subject to 31 U.S.C. §§ 3711 and 3716, which allow for the collection of a federal debt from the amount awarded to Plaintiff. If Plaintiff does owe a debt to the Government, the EAJA fee award will be applied toward such debt by the Treasury Department's Offset Program, see *Astrue v. Ratliff*, 560 U.S. 586, 596-97 (2010), and the Commissioner shall notify the Treasury Department that if any funds remain after the EAJA fee award is applied to his debt the Treasury Department should issue a check for the remaining funds made payable to Plaintiff and mail that check to Plaintiff's counsel.

If the Treasury Department determines that Plaintiff does not owe a Federal debt subject to setoff, the Commissioner may exercise its discretion to honor Plaintiff's pre-award attempt to assign EAJA fees and pay the awarded fees directly to Plaintiff's counsel or shall issue a check payable to Plaintiff and mail that check to Plaintiff's counsel.

Court costs in the amount of \$402.00 will be charged against the government of the United States, payable from the Judgment Fund by the Department of the Treasury pursuant to 31 U.S.C. § 1304, and are to be paid to counsel for the Plaintiff.

Plaintiff has stipulated to withdraw the Petition for Attorney Fees (ECF No. 25) and substitute the Joint Stipulation.

Accordingly, it is FURTHER ORDERED that Plaintiff's EAJA fee Petition (ECF No. 25) is denied as moot.

The Clerk shall enter a judgment consistent with this Order.

SO ORDERED, this **22nd** day of **December, 2022**.

S/Clay D. Land
CLAY D. LAND
UNITED STATES DISTRICT JUDGE